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**DECLARATION AND POWER OF ATTORNEY**

Mail Stop: Patent Application  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attorney Docket Number: 1121.03002  
First Named Inventor: David A. Thomas  
All Other Inventors: None

Title of Invention: Perceptible Apparatus and Methods for Reactive Effect

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS [37  
CFR 1.9 (f) and 1.27 (b)] – INDEPENDENT INVENTOR**

As a below named inventor(s), I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees to the U.S. Patent and Trademark Office with regard to the invention entitled: Exercise Apparatus, described in the specification filed herewith.

I have not assigned, granted, conveyed, or licensed, and am under no obligation under contract or law to assign, grant, convey, or license, any rights in the invention to any person who would not qualify as an independent inventor under 39 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

1. None

Roger A. Jackson is licensed to practice law before the U.S. Patent and Trademark Office, The State of Colorado, and The U.S. District Court for the District of Colorado.

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I acknowledge my duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which my status as a small entity is no longer appropriate. [37 CFR 1.28 (b)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

  
David A. Thomas  
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12/16/09  
Date